

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

DAVID AUSTIN, :  
Plaintiff : CIVIL ACTION NO. 3:16-1567  
v. :  
: (JUDGE MANNION)  
CHRISTINE NUGENT, :  
Defendant :

**ORDER**

For the reasons stated in the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

1. The plaintiff's motion to remand, (Doc. [9](#)), is **DENIED**;
2. The defendant is **GRANTED LEAVE** to amend her notice of removal, (Doc. 1), **on or before December 19, 2016**, with a reminder that failure to amend will result in remand;
3. The plaintiff's motion to rescind and reconsider its August 5, 2016 Order, (Doc. [8](#)), is **GRANTED IN PART** and **DENIED IN PART**;
4. The court's August 5, 2016 Order is **VACATED** and **SUBSTITUTED** with this Order;

5. The plaintiff's motion for entry of default, (Doc. [5](#)), is **DENIED** and the Clerk shall not enter default;
6. The plaintiff's request to strike the defendant's motion to dismiss as untimely is **DENIED**;
7. The defendant's motion to dismiss, (Doc. [6](#)), is **DENIED**; and
8. The plaintiff's motion to stay proceedings, (Doc. [11](#)), and his letter to the court requesting a conference, (Doc. [18](#)), is **DENIED** as moot.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: December 5, 2016**

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